

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENT TO COURT OF CHANCERY RULES, SECTION XVII, RULE 180-C

This 15<sup>th</sup> day of December 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section XVII, Rule 180-C shall be amended effective January 1<sup>st</sup>, 2015.

**Rule 180-C shall be amended as follows:**

Rule 180-C. Termination of guardianship ~~upon recovery of disabled person.~~

(a) Petition to terminate guardianship.— Any person for whom a guardian has been appointed by the Court may at any time file a petition alleging a sufficient recovery of health ~~to enable him or her to care properly for his or her person, or to enable him or her to manage properly and care for his or her property, or both as the case may be~~ such that a guardian no longer is necessary, and asking for a termination of the guardianship ~~of the person, or termination of the guardianship of the property, or both as the case may be.~~

The Court may make an order for the ascertainment of the truth of the allegation, whether by an examination in open Court, or otherwise, ~~as the Court shall direct.~~ If a hearing is to be held, notice thereof, ~~in such form and manner as the Court shall direct,~~ shall be given to ~~such of the guardian, spouse, and next of kin of the petitioner as the Court shall direct.~~ Such a and any interested party as that term is defined in Rule 175. A petition ~~may to~~ terminate also may be filed by other interested parties ~~in interest.~~

(b) Discharge of guardian upon recovery of the disabled person.— If the Court finds that ~~the formerly disabled person has been restored to such a condition of health that he or she~~ guardian no longer is ~~capable of caring for his or her person, or properly managing and caring for his or her property, or both as the case may be~~ necessary, the Court will make an order terminating the guardianship, restoring to the formerly disabled person the care of his or her person or restoring to him or her the property and estate in the custody, possession and control of the guardian, or both, providing for the payment of costs and expenses incurred during the guardianship, and requiring a full accounting from the former guardian of the formerly disabled person's property.

(c) Restoration of property of minor upon attaining majority. —If the only allegation of disability in the petition for appointment of a guardian was that the person was a minor, the guardianship shall terminate automatically in accordance with 12 Del. C. ~~§~~ 3909 when the formerly disabled person attains the age of 18 years, ~~but such.~~ The automatic termination of the guardianship of the property shall not relieve the guardian of the duty to account to the Court.

(d) Final accounting. Under 12 Del. C. § 3941(a), upon removal or resignation of a guardian or upon termination of a guardianship, the guardian shall, within ninety days of the removal, resignation, or termination of the guardianship, render a final accounting. This Rule shall not apply if accountings have been waived, unless otherwise ordered by the Court.